



Rep. Michael J. Zalewski

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1 AMENDMENT TO HOUSE BILL 5439

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5439, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Property Tax Code is amended by changing  
6 Sections 15-167, 15-168, 15-170, 15-172, 15-175 and 15-177 as  
7 follows:

8 (35 ILCS 200/15-167)

9 Sec. 15-167. Returning Veterans' Homestead Exemption.

10 (a) Beginning with taxable year 2007, a homestead  
11 exemption, limited to a reduction set forth under subsection  
12 (b), from the property's value, as equalized or assessed by the  
13 Department, is granted for property that is owned and occupied  
14 as the principal residence of a veteran returning from an armed  
15 conflict involving the armed forces of the United States who is  
16 liable for paying real estate taxes on the property and is an

1 owner of record of the property or has a legal or equitable  
2 interest therein as evidenced by a written instrument. In  
3 counties with a population of 300,000 or more, a returning  
4 veterans' homestead exemption shall not be granted for  
5 leasehold interests. ~~, except for a leasehold interest, other~~  
6 ~~than a leasehold interest of land on which a single family~~  
7 ~~residence is located, which is occupied as the principal~~  
8 ~~residence of a veteran returning from an armed conflict~~  
9 ~~involving the armed forces of the United States who has an~~  
10 ~~ownership interest therein, legal, equitable or as a lessee,~~  
11 ~~and on which he or she is liable for the payment of property~~  
12 ~~taxes.~~

13 (a-5) In counties with a population of less than 300,000, a  
14 returning veterans' homestead exemption shall be granted for  
15 leasehold property on which a single family residence,  
16 townhome, condominium, or cooperative is located if the single  
17 family residence, townhome, condominium, or cooperative is  
18 occupied as the principal residence of a veteran returning from  
19 an armed conflict involving the armed forces of the United  
20 States who is liable for paying real estate taxes on the  
21 property and all of the following conditions are met:

22 (1) a notarized application for the exemption must be  
23 submitted each year during the application period in effect  
24 for the county in which the property is located;

25 (2) a copy of the lease must be filed with the chief  
26 county assessment officer by the owner of the property at

1 the time the notarized application is submitted;

2 (3) the lease must expressly state that the lessee is  
3 liable for the payment of the property taxes; and

4 (4) the lease must expressly state that the lessee is  
5 required to pay the property taxes out of the lessee's own  
6 funds.

7 If there is a change in lessee, or if the lessee vacates  
8 the property, then the owner of the property shall notify the  
9 chief county assessment officer within 30 days after the  
10 effective date of that change. Except as otherwise provided in  
11 this subsection, an exemption shall not be granted under this  
12 Section for leasehold interests in property containing  
13 multiple dwelling units.

14 The requirements set forth in items (1) through (4) of this  
15 subsection (a-5), and the requirement that the owner of the  
16 property must notify the chief county assessment officer within  
17 30 days after the effective date of a change in lessee, do not  
18 apply (i) to leasehold interests in property owned by a  
19 municipality and leased under a long-term 99-year lease with  
20 the tenant or (ii) if the right to the leasehold exemption  
21 pre-dates the effective date of this amendatory Act of the 97th  
22 General Assembly through pre-existing federal law, State law,  
23 or regulatory agreement.

24 For purposes of the exemption under this Section, "veteran"  
25 means an Illinois resident who has served as a member of the  
26 United States Armed Forces, a member of the Illinois National

1 Guard, or a member of the United States Reserve Forces.

2 (b) In all counties, the reduction is \$5,000 for the  
3 taxable year in which the veteran returns from active duty in  
4 an armed conflict involving the armed forces of the United  
5 States; however, if the veteran first acquires his or her  
6 principal residence during the taxable year in which he or she  
7 returns, but after January 1 of that year, and if the property  
8 is owned and occupied by the veteran as a principal residence  
9 on January 1 of the next taxable year, he or she may apply the  
10 exemption for the next taxable year, and only the next taxable  
11 year, after he or she returns. Beginning in taxable year 2010,  
12 the reduction shall also be allowed for the taxable year after  
13 the taxable year in which the veteran returns from active duty  
14 in an armed conflict involving the armed forces of the United  
15 States. For land improved with an apartment building owned and  
16 operated as a cooperative, the maximum reduction from the value  
17 of the property, as equalized by the Department, must be  
18 multiplied by the number of apartments or units occupied by a  
19 veteran returning from an armed conflict involving the armed  
20 forces of the United States who is liable, by contract with the  
21 owner or owners of record, for paying property taxes on the  
22 property and is an owner of record of a legal or equitable  
23 interest in the cooperative apartment building, other than a  
24 leasehold interest. In a cooperative where a homestead  
25 exemption has been granted, the cooperative association or the  
26 management firm of the cooperative or facility shall credit the

1 savings resulting from that exemption only to the apportioned  
2 tax liability of the owner or resident who qualified for the  
3 exemption. Any person who willfully refuses to so credit the  
4 savings is guilty of a Class B misdemeanor.

5 (c) Application must be made during the application period  
6 in effect for the county of his or her residence. The assessor  
7 or chief county assessment officer may determine the  
8 eligibility of residential property to receive the homestead  
9 exemption provided by this Section by application, visual  
10 inspection, questionnaire, or other reasonable methods. The  
11 determination must be made in accordance with guidelines  
12 established by the Department.

13 (d) The exemption under this Section is in addition to any  
14 other homestead exemption provided in this Article 15.  
15 Notwithstanding Sections 6 and 8 of the State Mandates Act, no  
16 reimbursement by the State is required for the implementation  
17 of any mandate created by this Section.

18 (Source: P.A. 96-1288, eff. 7-26-10; 96-1418, eff. 8-2-10;  
19 97-333, eff. 8-12-11.)

20 (35 ILCS 200/15-168)

21 Sec. 15-168. Disabled persons' homestead exemption.

22 (a) Beginning with taxable year 2007, an annual homestead  
23 exemption is granted to disabled persons in the amount of  
24 \$2,000, except as provided in subsection (c), to be deducted  
25 from the property's value as equalized or assessed by the

1 Department of Revenue. The disabled person shall receive the  
2 homestead exemption upon meeting the following requirements:

3 (1) The property must be occupied as the primary  
4 residence by the disabled person.

5 (2) The disabled person must be liable for paying the  
6 real estate taxes on the property.

7 (3) The disabled person must be an owner of record of  
8 the property or have a legal or equitable interest in the  
9 property as evidenced by a written instrument. In counties  
10 with a population of 300,000 or more, a disabled persons'  
11 homestead exemption shall not be granted for leasehold  
12 interests. ~~In the case of a leasehold interest in property,~~  
13 ~~the lease must be for a single family residence.~~

14 A person who is disabled during the taxable year is  
15 eligible to apply for this homestead exemption during that  
16 taxable year. Application must be made during the application  
17 period in effect for the county of residence. If a homestead  
18 exemption has been granted under this Section and the person  
19 awarded the exemption subsequently becomes a resident of a  
20 facility licensed under the Nursing Home Care Act, the  
21 Specialized Mental Health Rehabilitation Act, or the ID/DD  
22 Community Care Act, then the exemption shall continue (i) so  
23 long as the residence continues to be occupied by the  
24 qualifying person's spouse or (ii) if the residence remains  
25 unoccupied but is still owned by the person qualified for the  
26 homestead exemption.

1           (b) For the purposes of this Section, "disabled person"  
2 means a person unable to engage in any substantial gainful  
3 activity by reason of a medically determinable physical or  
4 mental impairment which can be expected to result in death or  
5 has lasted or can be expected to last for a continuous period  
6 of not less than 12 months. Disabled persons filing claims  
7 under this Act shall submit proof of disability in such form  
8 and manner as the Department shall by rule and regulation  
9 prescribe. Proof that a claimant is eligible to receive  
10 disability benefits under the Federal Social Security Act shall  
11 constitute proof of disability for purposes of this Act.  
12 Issuance of an Illinois Disabled Person Identification Card  
13 stating that the claimant is under a Class 2 disability, as  
14 defined in Section 4A of The Illinois Identification Card Act,  
15 shall constitute proof that the person named thereon is a  
16 disabled person for purposes of this Act. A disabled person not  
17 covered under the Federal Social Security Act and not  
18 presenting a Disabled Person Identification Card stating that  
19 the claimant is under a Class 2 disability shall be examined by  
20 a physician designated by the Department, and his status as a  
21 disabled person determined using the same standards as used by  
22 the Social Security Administration. The costs of any required  
23 examination shall be borne by the claimant.

24           (c) For land improved with (i) an apartment building owned  
25 and operated as a cooperative or (ii) a life care facility as  
26 defined under Section 2 of the Life Care Facilities Act that is

1 considered to be a cooperative, the maximum reduction from the  
2 value of the property, as equalized or assessed by the  
3 Department, shall be multiplied by the number of apartments or  
4 units occupied by a disabled person. The disabled person shall  
5 receive the homestead exemption upon meeting the following  
6 requirements:

7 (1) The property must be occupied as the primary  
8 residence by the disabled person.

9 (2) The disabled person must be liable by contract with  
10 the owner or owners of record for paying the apportioned  
11 property taxes on the property of the cooperative or life  
12 care facility. In the case of a life care facility, the  
13 disabled person must be liable for paying the apportioned  
14 property taxes under a life care contract as defined in  
15 Section 2 of the Life Care Facilities Act.

16 (3) The disabled person must be an owner of record of a  
17 legal or equitable interest in the cooperative apartment  
18 building. A leasehold interest does not meet this  
19 requirement.

20 If a homestead exemption is granted under this subsection, the  
21 cooperative association or management firm shall credit the  
22 savings resulting from the exemption to the apportioned tax  
23 liability of the qualifying disabled person. The chief county  
24 assessment officer may request reasonable proof that the  
25 association or firm has properly credited the exemption. A  
26 person who willfully refuses to credit an exemption to the

1 qualified disabled person is guilty of a Class B misdemeanor.

2 (c-5) In counties with a population of less than 300,000,  
3 an exemption under this Section shall be granted for leasehold  
4 property on which a single family residence, townhome,  
5 condominium, or cooperative is located if the single family  
6 residence, townhome, condominium, or cooperative is occupied  
7 as the principal residence of a disabled person who has a legal  
8 or equitable ownership interest in the property as lessee and  
9 is liable for the payment of real property taxes on that  
10 property and all of the following conditions are met:

11 (1) a notarized application for the exemption must be  
12 submitted each year during the application period in effect  
13 for the county in which the property is located;

14 (2) a copy of the lease must be filed with the chief  
15 county assessment officer by the owner of the property at  
16 the time the notarized application is submitted;

17 (3) the lease must expressly state that the lessee is  
18 liable for the payment of the property taxes; and

19 (4) the lease must expressly state that the lessee is  
20 required to pay the property taxes out of the lessee's own  
21 funds.

22 If there is a change in lessee, or if the lessee vacates  
23 the property, then the owner of the property shall notify the  
24 chief county assessment officer within 30 days after the  
25 effective date of that change. Except as otherwise provided in  
26 this subsection, an exemption shall not be granted under this

1 Section for leasehold interests in property containing  
2 multiple dwelling units.

3 The requirements set forth in items (1) through (4) of this  
4 subsection (c-5), and the requirement that the owner of the  
5 property must notify the chief county assessment officer within  
6 30 days after the effective date of a change in lessee, do not  
7 apply (i) to leasehold interests in property owned by a  
8 municipality and leased under a long-term 99-year lease with  
9 the tenant or (ii) if the right to the leasehold exemption  
10 pre-dates the effective date of this amendatory Act of the 97th  
11 General Assembly through pre-existing federal law, State law,  
12 or regulatory agreement.

13 (d) The chief county assessment officer shall determine the  
14 eligibility of property to receive the homestead exemption  
15 according to guidelines established by the Department. After a  
16 person has received an exemption under this Section, an annual  
17 verification of eligibility for the exemption shall be mailed  
18 to the taxpayer.

19 In counties with fewer than 3,000,000 inhabitants, the  
20 chief county assessment officer shall provide to each person  
21 granted a homestead exemption under this Section a form to  
22 designate any other person to receive a duplicate of any notice  
23 of delinquency in the payment of taxes assessed and levied  
24 under this Code on the person's qualifying property. The  
25 duplicate notice shall be in addition to the notice required to  
26 be provided to the person receiving the exemption and shall be

1 given in the manner required by this Code. The person filing  
2 the request for the duplicate notice shall pay an  
3 administrative fee of \$5 to the chief county assessment  
4 officer. The assessment officer shall then file the executed  
5 designation with the county collector, who shall issue the  
6 duplicate notices as indicated by the designation. A  
7 designation may be rescinded by the disabled person in the  
8 manner required by the chief county assessment officer.

9 (e) A taxpayer who claims an exemption under Section 15-165  
10 or 15-169 may not claim an exemption under this Section.

11 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
12 eff. 1-1-12; revised 9-12-11.)

13 (35 ILCS 200/15-170)

14 Sec. 15-170. Senior Citizens Homestead Exemption.

15 (a) An annual homestead exemption limited, except as  
16 described here with relation to cooperatives or life care  
17 facilities, to a maximum reduction set forth below from the  
18 property's value, as equalized or assessed by the Department,  
19 is granted for property that is occupied as a residence by a  
20 person 65 years of age or older who is liable for paying real  
21 estate taxes on the property and is an owner of record of the  
22 property or has a legal or equitable interest therein as  
23 evidenced by a written instrument. In counties with a  
24 population of 300,000 or more, a senior citizens homestead  
25 exemption shall not be granted for leasehold interests.,—except

1 ~~for a leasehold interest, other than a leasehold interest of~~  
2 ~~land on which a single family residence is located, which is~~  
3 ~~occupied as a residence by a person 65 years or older who has~~  
4 ~~an ownership interest therein, legal, equitable or as a lessee,~~  
5 ~~and on which he or she is liable for the payment of property~~  
6 ~~taxes.~~ Before taxable year 2004, the maximum reduction shall be  
7 \$2,500 in counties with 3,000,000 or more inhabitants and  
8 \$2,000 in all other counties. For taxable years 2004 through  
9 2005, the maximum reduction shall be \$3,000 in all counties.  
10 For taxable years 2006 and 2007, the maximum reduction shall be  
11 \$3,500 and, for taxable years 2008 and thereafter, the maximum  
12 reduction is \$4,000 in all counties.

13 (b) For land improved with an apartment building owned and  
14 operated as a cooperative, the maximum reduction from the value  
15 of the property, as equalized by the Department, shall be  
16 multiplied by the number of apartments or units occupied by a  
17 person 65 years of age or older who is liable, by contract with  
18 the owner or owners of record, for paying property taxes on the  
19 property and is an owner of record of a legal or equitable  
20 interest in the cooperative apartment building, ~~other than a~~  
21 ~~leasehold interest.~~ For land improved with a life care  
22 facility, the maximum reduction from the value of the property,  
23 as equalized by the Department, shall be multiplied by the  
24 number of apartments or units occupied by persons 65 years of  
25 age or older, irrespective of any legal, equitable, or  
26 leasehold interest in the facility, who are liable, under a

1 contract with the owner or owners of record of the facility,  
2 for paying property taxes on the property. In a cooperative or  
3 a life care facility where a homestead exemption has been  
4 granted, the cooperative association or the management firm of  
5 the cooperative or facility shall credit the savings resulting  
6 from that exemption only to the apportioned tax liability of  
7 the owner or resident who qualified for the exemption. Any  
8 person who willfully refuses to so credit the savings shall be  
9 guilty of a Class B misdemeanor. Under this Section and  
10 Sections 15-175, 15-176, and 15-177, "life care facility" means  
11 a facility, as defined in Section 2 of the Life Care Facilities  
12 Act, with which the applicant for the homestead exemption has a  
13 life care contract as defined in that Act.

14 (c) When a homestead exemption has been granted under this  
15 Section and the person qualifying subsequently becomes a  
16 resident of a facility licensed under the Assisted Living and  
17 Shared Housing Act, the Nursing Home Care Act, the Specialized  
18 Mental Health Rehabilitation Act, or the ID/DD Community Care  
19 Act, the exemption shall continue so long as the residence  
20 continues to be occupied by the qualifying person's spouse if  
21 the spouse is 65 years of age or older, or if the residence  
22 remains unoccupied but is still owned by the person qualified  
23 for the homestead exemption.

24 (d) A person who will be 65 years of age during the current  
25 assessment year shall be eligible to apply for the homestead  
26 exemption during that assessment year. Application shall be

1 made during the application period in effect for the county of  
2 his residence.

3 (e) Beginning with assessment year 2003, for taxes payable  
4 in 2004, property that is first occupied as a residence after  
5 January 1 of any assessment year by a person who is eligible  
6 for the senior citizens homestead exemption under this Section  
7 must be granted a pro-rata exemption for the assessment year.  
8 The amount of the pro-rata exemption is the exemption allowed  
9 in the county under this Section divided by 365 and multiplied  
10 by the number of days during the assessment year the property  
11 is occupied as a residence by a person eligible for the  
12 exemption under this Section. The chief county assessment  
13 officer must adopt reasonable procedures to establish  
14 eligibility for this pro-rata exemption.

15 (f) The assessor or chief county assessment officer may  
16 determine the eligibility of a life care facility to receive  
17 the benefits provided by this Section, by affidavit,  
18 application, visual inspection, questionnaire or other  
19 reasonable methods in order to insure that the tax savings  
20 resulting from the exemption are credited by the management  
21 firm to the apportioned tax liability of each qualifying  
22 resident. The assessor may request reasonable proof that the  
23 management firm has so credited the exemption.

24 (g) The chief county assessment officer of each county with  
25 less than 3,000,000 inhabitants shall provide to each person  
26 allowed a homestead exemption under this Section a form to

1 designate any other person to receive a duplicate of any notice  
2 of delinquency in the payment of taxes assessed and levied  
3 under this Code on the property of the person receiving the  
4 exemption. The duplicate notice shall be in addition to the  
5 notice required to be provided to the person receiving the  
6 exemption, and shall be given in the manner required by this  
7 Code. The person filing the request for the duplicate notice  
8 shall pay a fee of \$5 to cover administrative costs to the  
9 supervisor of assessments, who shall then file the executed  
10 designation with the county collector. Notwithstanding any  
11 other provision of this Code to the contrary, the filing of  
12 such an executed designation requires the county collector to  
13 provide duplicate notices as indicated by the designation. A  
14 designation may be rescinded by the person who executed such  
15 designation at any time, in the manner and form required by the  
16 chief county assessment officer.

17 (h) The assessor or chief county assessment officer may  
18 determine the eligibility of residential property to receive  
19 the homestead exemption provided by this Section by  
20 application, visual inspection, questionnaire or other  
21 reasonable methods. The determination shall be made in  
22 accordance with guidelines established by the Department.

23 (i) In counties with 3,000,000 or more inhabitants,  
24 beginning in taxable year 2010, each taxpayer who has been  
25 granted an exemption under this Section must reapply on an  
26 annual basis. The chief county assessment officer shall mail

1 the application to the taxpayer. In counties with less than  
2 3,000,000 inhabitants, the county board may by resolution  
3 provide that if a person has been granted a homestead exemption  
4 under this Section, the person qualifying need not reapply for  
5 the exemption.

6 (j) In counties with less than 3,000,000 inhabitants, if  
7 the assessor or chief county assessment officer requires annual  
8 application for verification of eligibility for an exemption  
9 once granted under this Section, the application shall be  
10 mailed to the taxpayer.

11 (k) The assessor or chief county assessment officer shall  
12 notify each person who qualifies for an exemption under this  
13 Section that the person may also qualify for deferral of real  
14 estate taxes under the Senior Citizens Real Estate Tax Deferral  
15 Act. The notice shall set forth the qualifications needed for  
16 deferral of real estate taxes, the address and telephone number  
17 of county collector, and a statement that applications for  
18 deferral of real estate taxes may be obtained from the county  
19 collector.

20 (l) In counties with a population of less than 300,000, a  
21 senior citizens homestead exemption shall be granted for  
22 leasehold property on which a single family residence,  
23 townhome, condominium, or cooperative is located if the single  
24 family residence, townhome, condominium, or cooperative is  
25 occupied as the principal residence by a person 65 years or  
26 older who is liable for paying real estate taxes on the

1 property and all of the following conditions are met:

2 (1) a notarized application for the exemption must be  
3 submitted each year during the application period in effect  
4 for the county in which the property is located;

5 (2) a copy of the lease must be filed with the chief  
6 county assessment officer by the owner of the property at  
7 the time the notarized application is submitted;

8 (3) the lease must expressly state that the lessee is  
9 liable for the payment of the property taxes; and

10 (4) the lease must expressly state that the lessee is  
11 required to pay the property taxes out of the lessee's own  
12 funds.

13 If there is a change in lessee, or if the lessee vacates  
14 the property, then the owner of the property shall notify the  
15 chief county assessment officer within 30 days after the  
16 effective date of that change. Except as otherwise provided in  
17 this subsection, an exemption shall not be granted under this  
18 Section for leasehold interests in property containing  
19 multiple dwelling units.

20 The requirements set forth in items (1) through (4) of this  
21 subsection (1), and the requirement that the owner of the  
22 property must notify the chief county assessment officer within  
23 30 days after the effective date of a change in lessee, do not  
24 apply (i) to leasehold interests in property owned by a  
25 municipality and leased under a long-term 99-year lease with  
26 the tenant or (ii) if the right to the leasehold exemption

1 pre-dates the effective date of this amendatory Act of the 97th  
2 General Assembly through pre-existing federal law, State law,  
3 or regulatory agreement.

4 (m) Notwithstanding Sections 6 and 8 of the State Mandates  
5 Act, no reimbursement by the State is required for the  
6 implementation of any mandate created by this Section.

7 (Source: P.A. 96-339, eff. 7-1-10; 96-355, eff. 1-1-10;  
8 96-1000, eff. 7-2-10; 96-1418, eff. 8-2-10; 97-38, eff.  
9 6-28-11; 97-227, eff. 1-1-12; revised 9-12-11.)

10 (35 ILCS 200/15-172)

11 Sec. 15-172. Senior Citizens Assessment Freeze Homestead  
12 Exemption.

13 (a) This Section may be cited as the Senior Citizens  
14 Assessment Freeze Homestead Exemption.

15 (b) As used in this Section:

16 "Applicant" means an individual who has filed an  
17 application under this Section.

18 "Base amount" means the base year equalized assessed value  
19 of the residence plus the first year's equalized assessed value  
20 of any added improvements which increased the assessed value of  
21 the residence after the base year.

22 "Base year" means the taxable year prior to the taxable  
23 year for which the applicant first qualifies and applies for  
24 the exemption provided that in the prior taxable year the  
25 property was improved with a permanent structure that was

1 occupied as a residence by the applicant who (i) was liable for  
2 paying real property taxes on the property and (ii) ~~who~~ was  
3 ~~either (i)~~ an owner of record of the property or had legal or  
4 equitable interest in the property as evidenced by a written  
5 instrument ~~or (ii) had a legal or equitable interest as a~~  
6 ~~lessee in the parcel of property that was single family~~  
7 ~~residence~~. If in any subsequent taxable year for which the  
8 applicant applies and qualifies for the exemption the equalized  
9 assessed value of the residence is less than the equalized  
10 assessed value in the existing base year (provided that such  
11 equalized assessed value is not based on an assessed value that  
12 results from a temporary irregularity in the property that  
13 reduces the assessed value for one or more taxable years), then  
14 that subsequent taxable year shall become the base year until a  
15 new base year is established under the terms of this paragraph.  
16 For taxable year 1999 only, the Chief County Assessment Officer  
17 shall review (i) all taxable years for which the applicant  
18 applied and qualified for the exemption and (ii) the existing  
19 base year. The assessment officer shall select as the new base  
20 year the year with the lowest equalized assessed value. An  
21 equalized assessed value that is based on an assessed value  
22 that results from a temporary irregularity in the property that  
23 reduces the assessed value for one or more taxable years shall  
24 not be considered the lowest equalized assessed value. The  
25 selected year shall be the base year for taxable year 1999 and  
26 thereafter until a new base year is established under the terms

1 of this paragraph.

2 "Chief County Assessment Officer" means the County  
3 Assessor or Supervisor of Assessments of the county in which  
4 the property is located.

5 "Equalized assessed value" means the assessed value as  
6 equalized by the Illinois Department of Revenue.

7 "Household" means the applicant, the spouse of the  
8 applicant, and all persons using the residence of the applicant  
9 as their principal place of residence.

10 "Household income" means the combined income of the members  
11 of a household for the calendar year preceding the taxable  
12 year.

13 "Income" has the same meaning as provided in Section 3.07  
14 of the Senior Citizens and Disabled Persons Property Tax Relief  
15 and Pharmaceutical Assistance Act, except that, beginning in  
16 assessment year 2001, "income" does not include veteran's  
17 benefits.

18 "Internal Revenue Code of 1986" means the United States  
19 Internal Revenue Code of 1986 or any successor law or laws  
20 relating to federal income taxes in effect for the year  
21 preceding the taxable year.

22 "Life care facility that qualifies as a cooperative" means  
23 a facility as defined in Section 2 of the Life Care Facilities  
24 Act.

25 "Maximum income limitation" means:

26 (1) \$35,000 prior to taxable year 1999;

1 (2) \$40,000 in taxable years 1999 through 2003;

2 (3) \$45,000 in taxable years 2004 through 2005;

3 (4) \$50,000 in taxable years 2006 and 2007; and

4 (5) \$55,000 in taxable year 2008 and thereafter.

5 "Residence" means the principal dwelling place and  
6 appurtenant structures used for residential purposes in this  
7 State occupied on January 1 of the taxable year by a household  
8 and so much of the surrounding land, constituting the parcel  
9 upon which the dwelling place is situated, as is used for  
10 residential purposes. If the Chief County Assessment Officer  
11 has established a specific legal description for a portion of  
12 property constituting the residence, then that portion of  
13 property shall be deemed the residence for the purposes of this  
14 Section.

15 "Taxable year" means the calendar year during which ad  
16 valorem property taxes payable in the next succeeding year are  
17 levied.

18 (c) Beginning in taxable year 1994, a senior citizens  
19 assessment freeze homestead exemption is granted for real  
20 property that is improved with a permanent structure that is  
21 occupied as a residence by an applicant who (i) is 65 years of  
22 age or older during the taxable year, (ii) has a household  
23 income that does not exceed the maximum income limitation,  
24 (iii) is liable for paying real property taxes on the property,  
25 and (iv) is an owner of record of the property or has a legal or  
26 equitable interest in the property as evidenced by a written

1 instrument. In counties with a population of 300,000 or more, a  
2 senior citizens assessment freeze homestead exemption shall  
3 not be granted for leasehold interests. ~~This homestead~~  
4 ~~exemption shall also apply to a leasehold interest in a parcel~~  
5 ~~of property improved with a permanent structure that is a~~  
6 ~~single family residence that is occupied as a residence by a~~  
7 ~~person who (i) is 65 years of age or older during the taxable~~  
8 ~~year, (ii) has a household income that does not exceed the~~  
9 ~~maximum income limitation, (iii) has a legal or equitable~~  
10 ~~ownership interest in the property as lessee, and (iv) is~~  
11 ~~liable for the payment of real property taxes on that property.~~

12 In counties of 3,000,000 or more inhabitants, the amount of  
13 the exemption for all taxable years is the equalized assessed  
14 value of the residence in the taxable year for which  
15 application is made minus the base amount. In all other  
16 counties, the amount of the exemption is as follows: (i)  
17 through taxable year 2005 and for taxable year 2007 and  
18 thereafter, the amount of this exemption shall be the equalized  
19 assessed value of the residence in the taxable year for which  
20 application is made minus the base amount; and (ii) for taxable  
21 year 2006, the amount of the exemption is as follows:

22 (1) For an applicant who has a household income of  
23 \$45,000 or less, the amount of the exemption is the  
24 equalized assessed value of the residence in the taxable  
25 year for which application is made minus the base amount.

26 (2) For an applicant who has a household income

1           exceeding \$45,000 but not exceeding \$46,250, the amount of  
2           the exemption is (i) the equalized assessed value of the  
3           residence in the taxable year for which application is made  
4           minus the base amount (ii) multiplied by 0.8.

5           (3) For an applicant who has a household income  
6           exceeding \$46,250 but not exceeding \$47,500, the amount of  
7           the exemption is (i) the equalized assessed value of the  
8           residence in the taxable year for which application is made  
9           minus the base amount (ii) multiplied by 0.6.

10           (4) For an applicant who has a household income  
11           exceeding \$47,500 but not exceeding \$48,750, the amount of  
12           the exemption is (i) the equalized assessed value of the  
13           residence in the taxable year for which application is made  
14           minus the base amount (ii) multiplied by 0.4.

15           (5) For an applicant who has a household income  
16           exceeding \$48,750 but not exceeding \$50,000, the amount of  
17           the exemption is (i) the equalized assessed value of the  
18           residence in the taxable year for which application is made  
19           minus the base amount (ii) multiplied by 0.2.

20           When the applicant is a surviving spouse of an applicant  
21           for a prior year for the same residence for which an exemption  
22           under this Section has been granted, the base year and base  
23           amount for that residence are the same as for the applicant for  
24           the prior year.

25           Each year at the time the assessment books are certified to  
26           the County Clerk, the Board of Review or Board of Appeals shall

1 give to the County Clerk a list of the assessed values of  
2 improvements on each parcel qualifying for this exemption that  
3 were added after the base year for this parcel and that  
4 increased the assessed value of the property.

5 In the case of land improved with an apartment building  
6 owned and operated as a cooperative or a building that is a  
7 life care facility that qualifies as a cooperative, the maximum  
8 reduction from the equalized assessed value of the property is  
9 limited to the sum of the reductions calculated for each unit  
10 occupied as a residence by a person or persons (i) 65 years of  
11 age or older, (ii) with a household income that does not exceed  
12 the maximum income limitation, (iii) who is liable, by contract  
13 with the owner or owners of record, for paying real property  
14 taxes on the property, and (iv) who is an owner of record of a  
15 legal or equitable interest in the cooperative apartment  
16 building, other than a leasehold interest. In the instance of a  
17 cooperative where a homestead exemption has been granted under  
18 this Section, the cooperative association or its management  
19 firm shall credit the savings resulting from that exemption  
20 only to the apportioned tax liability of the owner who  
21 qualified for the exemption. Any person who willfully refuses  
22 to credit that savings to an owner who qualifies for the  
23 exemption is guilty of a Class B misdemeanor.

24 When a homestead exemption has been granted under this  
25 Section and an applicant then becomes a resident of a facility  
26 licensed under the Assisted Living and Shared Housing Act, the

1 Nursing Home Care Act, the Specialized Mental Health  
2 Rehabilitation Act, or the ID/DD Community Care Act, the  
3 exemption shall be granted in subsequent years so long as the  
4 residence (i) continues to be occupied by the qualified  
5 applicant's spouse or (ii) if remaining unoccupied, is still  
6 owned by the qualified applicant for the homestead exemption.

7 Beginning January 1, 1997, when an individual dies who  
8 would have qualified for an exemption under this Section, and  
9 the surviving spouse does not independently qualify for this  
10 exemption because of age, the exemption under this Section  
11 shall be granted to the surviving spouse for the taxable year  
12 preceding and the taxable year of the death, provided that,  
13 except for age, the surviving spouse meets all other  
14 qualifications for the granting of this exemption for those  
15 years.

16 When married persons maintain separate residences, the  
17 exemption provided for in this Section may be claimed by only  
18 one of such persons and for only one residence.

19 For taxable year 1994 only, in counties having less than  
20 3,000,000 inhabitants, to receive the exemption, a person shall  
21 submit an application by February 15, 1995 to the Chief County  
22 Assessment Officer of the county in which the property is  
23 located. In counties having 3,000,000 or more inhabitants, for  
24 taxable year 1994 and all subsequent taxable years, to receive  
25 the exemption, a person may submit an application to the Chief  
26 County Assessment Officer of the county in which the property

1 is located during such period as may be specified by the Chief  
2 County Assessment Officer. The Chief County Assessment Officer  
3 in counties of 3,000,000 or more inhabitants shall annually  
4 give notice of the application period by mail or by  
5 publication. In counties having less than 3,000,000  
6 inhabitants, beginning with taxable year 1995 and thereafter,  
7 to receive the exemption, a person shall submit an application  
8 by July 1 of each taxable year to the Chief County Assessment  
9 Officer of the county in which the property is located. A  
10 county may, by ordinance, establish a date for submission of  
11 applications that is different than July 1. The applicant shall  
12 submit with the application an affidavit of the applicant's  
13 total household income, age, marital status (and if married the  
14 name and address of the applicant's spouse, if known), and  
15 principal dwelling place of members of the household on January  
16 1 of the taxable year. The Department shall establish, by rule,  
17 a method for verifying the accuracy of affidavits filed by  
18 applicants under this Section, and the Chief County Assessment  
19 Officer may conduct audits of any taxpayer claiming an  
20 exemption under this Section to verify that the taxpayer is  
21 eligible to receive the exemption. Each application shall  
22 contain or be verified by a written declaration that it is made  
23 under the penalties of perjury. A taxpayer's signing a  
24 fraudulent application under this Act is perjury, as defined in  
25 Section 32-2 of the Criminal Code of 1961. The applications  
26 shall be clearly marked as applications for the Senior Citizens

1 Assessment Freeze Homestead Exemption and must contain a notice  
2 that any taxpayer who receives the exemption is subject to an  
3 audit by the Chief County Assessment Officer.

4 Notwithstanding any other provision to the contrary, in  
5 counties having fewer than 3,000,000 inhabitants, if an  
6 applicant fails to file the application required by this  
7 Section in a timely manner and this failure to file is due to a  
8 mental or physical condition sufficiently severe so as to  
9 render the applicant incapable of filing the application in a  
10 timely manner, the Chief County Assessment Officer may extend  
11 the filing deadline for a period of 30 days after the applicant  
12 regains the capability to file the application, but in no case  
13 may the filing deadline be extended beyond 3 months of the  
14 original filing deadline. In order to receive the extension  
15 provided in this paragraph, the applicant shall provide the  
16 Chief County Assessment Officer with a signed statement from  
17 the applicant's physician stating the nature and extent of the  
18 condition, that, in the physician's opinion, the condition was  
19 so severe that it rendered the applicant incapable of filing  
20 the application in a timely manner, and the date on which the  
21 applicant regained the capability to file the application.

22 Beginning January 1, 1998, notwithstanding any other  
23 provision to the contrary, in counties having fewer than  
24 3,000,000 inhabitants, if an applicant fails to file the  
25 application required by this Section in a timely manner and  
26 this failure to file is due to a mental or physical condition

1 sufficiently severe so as to render the applicant incapable of  
2 filing the application in a timely manner, the Chief County  
3 Assessment Officer may extend the filing deadline for a period  
4 of 3 months. In order to receive the extension provided in this  
5 paragraph, the applicant shall provide the Chief County  
6 Assessment Officer with a signed statement from the applicant's  
7 physician stating the nature and extent of the condition, and  
8 that, in the physician's opinion, the condition was so severe  
9 that it rendered the applicant incapable of filing the  
10 application in a timely manner.

11 In counties having less than 3,000,000 inhabitants, if an  
12 applicant was denied an exemption in taxable year 1994 and the  
13 denial occurred due to an error on the part of an assessment  
14 official, or his or her agent or employee, then beginning in  
15 taxable year 1997 the applicant's base year, for purposes of  
16 determining the amount of the exemption, shall be 1993 rather  
17 than 1994. In addition, in taxable year 1997, the applicant's  
18 exemption shall also include an amount equal to (i) the amount  
19 of any exemption denied to the applicant in taxable year 1995  
20 as a result of using 1994, rather than 1993, as the base year,  
21 (ii) the amount of any exemption denied to the applicant in  
22 taxable year 1996 as a result of using 1994, rather than 1993,  
23 as the base year, and (iii) the amount of the exemption  
24 erroneously denied for taxable year 1994.

25 For purposes of this Section, a person who will be 65 years  
26 of age during the current taxable year shall be eligible to

1 apply for the homestead exemption during that taxable year.  
2 Application shall be made during the application period in  
3 effect for the county of his or her residence.

4 The Chief County Assessment Officer may determine the  
5 eligibility of a life care facility that qualifies as a  
6 cooperative to receive the benefits provided by this Section by  
7 use of an affidavit, application, visual inspection,  
8 questionnaire, or other reasonable method in order to insure  
9 that the tax savings resulting from the exemption are credited  
10 by the management firm to the apportioned tax liability of each  
11 qualifying resident. The Chief County Assessment Officer may  
12 request reasonable proof that the management firm has so  
13 credited that exemption.

14 Except as provided in this Section, all information  
15 received by the chief county assessment officer or the  
16 Department from applications filed under this Section, or from  
17 any investigation conducted under the provisions of this  
18 Section, shall be confidential, except for official purposes or  
19 pursuant to official procedures for collection of any State or  
20 local tax or enforcement of any civil or criminal penalty or  
21 sanction imposed by this Act or by any statute or ordinance  
22 imposing a State or local tax. Any person who divulges any such  
23 information in any manner, except in accordance with a proper  
24 judicial order, is guilty of a Class A misdemeanor.

25 Nothing contained in this Section shall prevent the  
26 Director or chief county assessment officer from publishing or

1 making available reasonable statistics concerning the  
2 operation of the exemption contained in this Section in which  
3 the contents of claims are grouped into aggregates in such a  
4 way that information contained in any individual claim shall  
5 not be disclosed.

6 (d) Each Chief County Assessment Officer shall annually  
7 publish a notice of availability of the exemption provided  
8 under this Section. The notice shall be published at least 60  
9 days but no more than 75 days prior to the date on which the  
10 application must be submitted to the Chief County Assessment  
11 Officer of the county in which the property is located. The  
12 notice shall appear in a newspaper of general circulation in  
13 the county.

14 (e) In counties with a population of less than 300,000, a  
15 senior citizens assessment freeze homestead exemption shall be  
16 granted for leasehold property on which a single family  
17 residence, townhome, condominium, or cooperative is located if  
18 the single family residence, townhome, condominium, or  
19 cooperative is occupied as the principal residence of a person  
20 who (i) is 65 years of age or older during the taxable year,  
21 (ii) has a household income that does not exceed the maximum  
22 income limitation, (iii) has a legal or equitable ownership  
23 interest in the property as lessee, and (iv) is liable for the  
24 payment of real property taxes on that property and all of the  
25 following conditions are met:

26 (1) a notarized application for the exemption must be

1       submitted each year during the application period in effect  
2       for the county in which the property is located;

3       (2) a copy of the lease must be filed with the chief  
4       county assessment officer by the owner of the property at  
5       the time the notarized application is submitted;

6       (3) the lease must expressly state that the lessee is  
7       liable for the payment of the property taxes; and

8       (4) the lease must expressly state that the lessee is  
9       required to pay the property taxes out of the lessee's own  
10       funds.

11       If there is a change in lessee, or if the lessee vacates  
12       the property, then the owner of the property shall notify the  
13       chief county assessment officer within 30 days after the  
14       effective date of that change. Except as otherwise provided in  
15       this subsection, an exemption shall not be granted under this  
16       Section for leasehold interests in property containing  
17       multiple dwelling units.

18       The requirements set forth in items (1) through (4) of this  
19       subsection (e), and the requirement that the owner of the  
20       property must notify the chief county assessment officer within  
21       30 days after the effective date of a change in lessee, do not  
22       apply (i) to leasehold interests in property owned by a  
23       municipality and leased under a long-term 99-year lease with  
24       the tenant or (ii) if the right to the leasehold exemption  
25       pre-dates the effective date of this amendatory Act of the 97th  
26       General Assembly through pre-existing federal law, State law,

1 or regulatory agreement.

2 Notwithstanding Sections 6 and 8 of the State Mandates Act,  
3 no reimbursement by the State is required for the  
4 implementation of any mandate created by this Section.

5 (Source: P.A. 96-339, eff. 7-1-10; 96-355, eff. 1-1-10;  
6 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;  
7 revised 9-12-11.)

8 (35 ILCS 200/15-175)

9 Sec. 15-175. General homestead exemption.

10 (a) Except as provided in Sections 15-176 and 15-177,  
11 homestead property is entitled to an annual homestead exemption  
12 limited, except as described here with relation to  
13 cooperatives, to a reduction in the equalized assessed value of  
14 homestead property equal to the increase in equalized assessed  
15 value for the current assessment year above the equalized  
16 assessed value of the property for 1977, up to the maximum  
17 reduction set forth below. If however, the 1977 equalized  
18 assessed value upon which taxes were paid is subsequently  
19 determined by local assessing officials, the Property Tax  
20 Appeal Board, or a court to have been excessive, the equalized  
21 assessed value which should have been placed on the property  
22 for 1977 shall be used to determine the amount of the  
23 exemption.

24 (b) Except as provided in Section 15-176, the maximum  
25 reduction before taxable year 2004 shall be \$4,500 in counties

1 with 3,000,000 or more inhabitants and \$3,500 in all other  
2 counties. Except as provided in Sections 15-176 and 15-177, for  
3 taxable years 2004 through 2007, the maximum reduction shall be  
4 \$5,000, for taxable year 2008, the maximum reduction is \$5,500,  
5 and, for taxable years 2009 and thereafter, the maximum  
6 reduction is \$6,000 in all counties. If a county has elected to  
7 subject itself to the provisions of Section 15-176 as provided  
8 in subsection (k) of that Section, then, for the first taxable  
9 year only after the provisions of Section 15-176 no longer  
10 apply, for owners who, for the taxable year, have not been  
11 granted a senior citizens assessment freeze homestead  
12 exemption under Section 15-172 or a long-time occupant  
13 homestead exemption under Section 15-177, there shall be an  
14 additional exemption of \$5,000 for owners with a household  
15 income of \$30,000 or less.

16 (c) In counties with fewer than 3,000,000 inhabitants, if,  
17 based on the most recent assessment, the equalized assessed  
18 value of the homestead property for the current assessment year  
19 is greater than the equalized assessed value of the property  
20 for 1977, the owner of the property shall automatically receive  
21 the exemption granted under this Section in an amount equal to  
22 the increase over the 1977 assessment up to the maximum  
23 reduction set forth in this Section.

24 (d) If in any assessment year beginning with the 2000  
25 assessment year, homestead property has a pro-rata valuation  
26 under Section 9-180 resulting in an increase in the assessed

1 valuation, a reduction in equalized assessed valuation equal to  
2 the increase in equalized assessed value of the property for  
3 the year of the pro-rata valuation above the equalized assessed  
4 value of the property for 1977 shall be applied to the property  
5 on a proportionate basis for the period the property qualified  
6 as homestead property during the assessment year. The maximum  
7 proportionate homestead exemption shall not exceed the maximum  
8 homestead exemption allowed in the county under this Section  
9 divided by 365 and multiplied by the number of days the  
10 property qualified as homestead property.

11 (e) "Homestead property" under this Section includes  
12 residential property that is occupied (i) by its owner or  
13 owners as his or their principal dwelling place, or (ii) ~~that~~  
14 ~~is a leasehold interest on which a single family residence is~~  
15 ~~situated, which is occupied~~ as a residence by a person who has  
16 a legal or equitable an ownership interest therein, legal or  
17 ~~equitable or as a lessee,~~ and on which the person is liable for  
18 the payment of property taxes. In counties with a population of  
19 300,000 or more, a general homestead exemption shall not be  
20 granted for leasehold interests. For land improved with an  
21 apartment building owned and operated as a cooperative or a  
22 building which is a life care facility as defined in Section  
23 15-170 and considered to be a cooperative under Section 15-170,  
24 the maximum reduction from the equalized assessed value shall  
25 be limited to the increase in the value above the equalized  
26 assessed value of the property for 1977, up to the maximum

1 reduction set forth above, multiplied by the number of  
2 apartments or units occupied by a person or persons who is  
3 liable, by contract with the owner or owners of record, for  
4 paying property taxes on the property and is an owner of record  
5 of a legal or equitable interest in the cooperative apartment  
6 building, other than a leasehold interest. For purposes of this  
7 Section, the term "life care facility" has the meaning stated  
8 in Section 15-170.

9 "Household", as used in this Section, means the owner, the  
10 spouse of the owner, and all persons using the residence of the  
11 owner as their principal place of residence.

12 "Household income", as used in this Section, means the  
13 combined income of the members of a household for the calendar  
14 year preceding the taxable year.

15 "Income", as used in this Section, has the same meaning as  
16 provided in Section 3.07 of the Senior Citizens and Disabled  
17 Persons Property Tax Relief and Pharmaceutical Assistance Act,  
18 except that "income" does not include veteran's benefits.

19 (f) In a cooperative where a homestead exemption has been  
20 granted, the cooperative association or its management firm  
21 shall credit the savings resulting from that exemption only to  
22 the apportioned tax liability of the owner who qualified for  
23 the exemption. Any person who willfully refuses to so credit  
24 the savings shall be guilty of a Class B misdemeanor.

25 (g) Where married persons maintain and reside in separate  
26 residences qualifying as homestead property, each residence

1 shall receive 50% of the total reduction in equalized assessed  
2 valuation provided by this Section.

3 (h) In all counties, the assessor or chief county  
4 assessment officer may determine the eligibility of  
5 residential property to receive the homestead exemption and the  
6 amount of the exemption by application, visual inspection,  
7 questionnaire or other reasonable methods. The determination  
8 shall be made in accordance with guidelines established by the  
9 Department, provided that the taxpayer applying for an  
10 additional general exemption under this Section shall submit to  
11 the chief county assessment officer an application with an  
12 affidavit of the applicant's total household income, age,  
13 marital status (and, if married, the name and address of the  
14 applicant's spouse, if known), and principal dwelling place of  
15 members of the household on January 1 of the taxable year. The  
16 Department shall issue guidelines establishing a method for  
17 verifying the accuracy of the affidavits filed by applicants  
18 under this paragraph. The applications shall be clearly marked  
19 as applications for the Additional General Homestead  
20 Exemption.

21 (i) In counties with fewer than 3,000,000 inhabitants, in  
22 the event of a sale of homestead property the homestead  
23 exemption shall remain in effect for the remainder of the  
24 assessment year of the sale. The assessor or chief county  
25 assessment officer may require the new owner of the property to  
26 apply for the homestead exemption for the following assessment

1 year.

2 (j) In counties with a population of less than 300,000, an  
3 exemption under this Section shall be granted for leasehold  
4 property on which a single family residence, townhome,  
5 condominium, or cooperative is located if the single family  
6 residence, townhome, condominium, or cooperative is occupied  
7 as the principal residence of a person who has a legal or  
8 equitable ownership interest in the property as lessee and is  
9 liable for the payment of real property taxes on that property  
10 and all of the following conditions are met:

11 (1) a notarized application for the exemption must be  
12 submitted each year during the application period in effect  
13 for the county in which the property is located;

14 (2) a copy of the lease must be filed with the chief  
15 county assessment officer by the owner of the property at  
16 the time the notarized application is submitted;

17 (3) the lease must expressly state that the lessee is  
18 liable for the payment of the property taxes; and

19 (4) the lease must expressly state that the lessee is  
20 required to pay the property taxes out of the lessee's own  
21 funds.

22 If there is a change in lessee, or if the lessee vacates  
23 the property, then the owner of the property shall notify the  
24 chief county assessment officer within 30 days after the  
25 effective date of that change. Except as otherwise provided in  
26 this subsection, an exemption shall not be granted under this

1 Section for leasehold interests in property containing  
2 multiple dwelling units.

3 The requirements set forth in items (1) through (4) of this  
4 subsection (j), and the requirement that the owner of the  
5 property must notify the chief county assessment officer within  
6 30 days after the effective date of a change in lessee, do not  
7 apply (i) to leasehold interests in property owned by a  
8 municipality and leased under a long-term 99-year lease with  
9 the tenant or (ii) if the right to the leasehold exemption  
10 pre-dates the effective date of this amendatory Act of the 97th  
11 General Assembly through pre-existing federal law, State law,  
12 or regulatory agreement.

13 (k) Notwithstanding Sections 6 and 8 of the State Mandates  
14 Act, no reimbursement by the State is required for the  
15 implementation of any mandate created by this Section.

16 (Source: P.A. 95-644, eff. 10-12-07.)

17 (35 ILCS 200/15-177)

18 Sec. 15-177. The long-time occupant homestead exemption.

19 (a) If the county has elected, under Section 15-176, to be  
20 subject to the provisions of the alternative general homestead  
21 exemption, then, for taxable years 2007 and thereafter,  
22 regardless of whether the exemption under Section 15-176  
23 applies, qualified homestead property is entitled to an annual  
24 homestead exemption equal to a reduction in the property's  
25 equalized assessed value calculated as provided in this

1 Section.

2 (b) As used in this Section:

3 "Adjusted homestead value" means the lesser of the  
4 following values:

5 (1) The property's base homestead value increased by:

6 (i) 10% for each taxable year after the base year through  
7 and including the current tax year for qualified taxpayers  
8 with a household income of more than \$75,000 but not  
9 exceeding \$100,000; or (ii) 7% for each taxable year after  
10 the base year through and including the current tax year  
11 for qualified taxpayers with a household income of \$75,000  
12 or less. The increase each year is an increase over the  
13 prior year; or

14 (2) The property's equalized assessed value for the  
15 current tax year minus the general homestead deduction.

16 "Base homestead value" means:

17 (1) if the property did not have an adjusted homestead  
18 value under Section 15-176 for the base year, then an  
19 amount equal to the equalized assessed value of the  
20 property for the base year prior to exemptions, minus the  
21 general homestead deduction, provided that the property's  
22 assessment was not based on a reduced assessed value  
23 resulting from a temporary irregularity in the property for  
24 that year; or

25 (2) if the property had an adjusted homestead value  
26 under Section 15-176 for the base year, then an amount

1 equal to the adjusted homestead value of the property under  
2 Section 15-176 for the base year.

3 "Base year" means the taxable year prior to the taxable  
4 year in which the taxpayer first qualifies for the exemption  
5 under this Section.

6 "Current taxable year" means the taxable year for which the  
7 exemption under this Section is being applied.

8 "Equalized assessed value" means the property's assessed  
9 value as equalized by the Department.

10 "Homestead" or "homestead property" means residential  
11 property that as of January 1 of the tax year is occupied by a  
12 qualified taxpayer as his or her principal dwelling place, ~~or~~  
13 ~~that is a leasehold interest on which a single family residence~~  
14 ~~is situated,~~ that is occupied as a residence by a qualified  
15 taxpayer who has a legal or equitable interest therein  
16 evidenced by a written instrument, ~~as an owner or as a lessee,~~  
17 and on which the person is liable for the payment of property  
18 taxes. In counties with a population of 300,000 or more, a  
19 long-time occupant homestead exemption shall not be granted for  
20 leasehold interests. Residential units in an apartment building  
21 owned and operated as a cooperative, or as a life care  
22 facility, which are occupied by persons who hold a legal or  
23 equitable interest in the cooperative apartment building or  
24 life care facility as owners or lessees, and who are liable by  
25 contract for the payment of property taxes, are included within  
26 this definition of homestead property. A homestead includes the

1 dwelling place, appurtenant structures, and so much of the  
2 surrounding land constituting the parcel on which the dwelling  
3 place is situated as is used for residential purposes. If the  
4 assessor has established a specific legal description for a  
5 portion of property constituting the homestead, then the  
6 homestead is limited to the property within that description.

7 "Household income" has the meaning set forth under Section  
8 15-172 of this Code.

9 "General homestead deduction" means the amount of the  
10 general homestead exemption under Section 15-175.

11 "Life care facility" means a facility defined in Section 2  
12 of the Life Care Facilities Act.

13 "Qualified homestead property" means homestead property  
14 owned by a qualified taxpayer.

15 "Qualified taxpayer" means any individual:

16 (1) who, for at least 10 continuous years as of January  
17 1 of the taxable year, has occupied the same homestead  
18 property as a principal residence and domicile or who, for  
19 at least 5 continuous years as of January 1 of the taxable  
20 year, has occupied the same homestead property as a  
21 principal residence and domicile if that person received  
22 assistance in the acquisition of the property as part of a  
23 government or nonprofit housing program; and

24 (2) who has a household income of \$100,000 or less.

25 (c) The base homestead value must remain constant, except  
26 that the assessor may revise it under any of the following

1 circumstances:

2 (1) If the equalized assessed value of a homestead  
3 property for the current tax year is less than the previous  
4 base homestead value for that property, then the current  
5 equalized assessed value (provided it is not based on a  
6 reduced assessed value resulting from a temporary  
7 irregularity in the property) becomes the base homestead  
8 value in subsequent tax years.

9 (2) For any year in which new buildings, structures, or  
10 other improvements are constructed on the homestead  
11 property that would increase its assessed value, the  
12 assessor shall adjust the base homestead value with due  
13 regard to the value added by the new improvements.

14 (d) The amount of the exemption under this Section is the  
15 greater of: (i) the equalized assessed value of the homestead  
16 property for the current tax year minus the adjusted homestead  
17 value; or (ii) the general homestead deduction.

18 (e) In the case of an apartment building owned and operated  
19 as a cooperative, or as a life care facility, that contains  
20 residential units that qualify as homestead property of a  
21 qualified taxpayer under this Section, the maximum cumulative  
22 exemption amount attributed to the entire building or facility  
23 shall not exceed the sum of the exemptions calculated for each  
24 unit that is a qualified homestead property. The cooperative  
25 association, management firm, or other person or entity that  
26 manages or controls the cooperative apartment building or life

1 care facility shall credit the exemption attributable to each  
2 residential unit only to the apportioned tax liability of the  
3 qualified taxpayer as to that unit. Any person who willfully  
4 refuses to so credit the exemption is guilty of a Class B  
5 misdemeanor.

6 (f) When married persons maintain separate residences, the  
7 exemption provided under this Section may be claimed by only  
8 one such person and for only one residence. No person who  
9 receives an exemption under Section 15-172 of this Code may  
10 receive an exemption under this Section. No person who receives  
11 an exemption under this Section may receive an exemption under  
12 Section 15-175 or 15-176 of this Code.

13 (g) In the event of a sale or other transfer in ownership  
14 of the homestead property between spouses or between a parent  
15 and a child, the exemption under this Section remains in effect  
16 if the new owner has a household income of \$100,000 or less.

17 (h) In the event of a sale or other transfer in ownership  
18 of the homestead property other than subsection (g) of this  
19 Section, the exemption under this Section shall remain in  
20 effect for the remainder of the tax year and be calculated  
21 using the same base homestead value in which the sale or  
22 transfer occurs.

23 (i) To receive the exemption, a person must submit an  
24 application to the county assessor during the period specified  
25 by the county assessor.

26 The county assessor shall annually give notice of the

1 application period by mail or by publication.

2 The taxpayer must submit, with the application, an  
3 affidavit of the taxpayer's total household income, marital  
4 status (and if married the name and address of the applicant's  
5 spouse, if known), and principal dwelling place of members of  
6 the household on January 1 of the taxable year. The Department  
7 shall establish, by rule, a method for verifying the accuracy  
8 of affidavits filed by applicants under this Section, and the  
9 Chief County Assessment Officer may conduct audits of any  
10 taxpayer claiming an exemption under this Section to verify  
11 that the taxpayer is eligible to receive the exemption. Each  
12 application shall contain or be verified by a written  
13 declaration that it is made under the penalties of perjury. A  
14 taxpayer's signing a fraudulent application under this Act is  
15 perjury, as defined in Section 32-2 of the Criminal Code of  
16 1961. The applications shall be clearly marked as applications  
17 for the Long-time Occupant Homestead Exemption and must contain  
18 a notice that any taxpayer who receives the exemption is  
19 subject to an audit by the Chief County Assessment Officer.

20 (i-5) In counties with a population of less than 300,000,  
21 an exemption under this Section shall be granted for leasehold  
22 property on which a single family residence, townhome,  
23 condominium, or cooperative is located if the single family  
24 residence, townhome, condominium, or cooperative is occupied  
25 as the principal residence of a qualified taxpayer who has a  
26 legal or equitable ownership interest in the property as lessee

1 and is liable for the payment of real property taxes on that  
2 property and all of the following conditions are met:

3 (1) a notarized application for the exemption must be  
4 submitted each year during the application period in effect  
5 for the county in which the property is located;

6 (2) a copy of the lease must be filed with the chief  
7 county assessment officer by the owner of the property at  
8 the time the notarized application is submitted;

9 (3) the lease must expressly state that the lessee is  
10 liable for the payment of the property taxes; and

11 (4) the lease must expressly state that the lessee is  
12 required to pay the property taxes out of the lessee's own  
13 funds.

14 If there is a change in lessee, or if the lessee vacates  
15 the property, then the owner of the property shall notify the  
16 chief county assessment officer within 30 days after the  
17 effective date of that change. Except as otherwise provided in  
18 this subsection, an exemption shall not be granted under this  
19 Section for leasehold interests in property containing  
20 multiple dwelling units.

21 The requirements set forth in items (1) through (4) of this  
22 subsection (i-5), and the requirement that the owner of the  
23 property must notify the chief county assessment officer within  
24 30 days after the effective date of a change in lessee, do not  
25 apply (i) to leasehold interests in property owned by a  
26 municipality and leased under a long-term 99-year lease with

1 the tenant or (ii) if the right to the leasehold exemption  
2 pre-dates the effective date of this amendatory Act of the 97th  
3 General Assembly through pre-existing federal law, State law,  
4 or regulatory agreement.

5 (j) Notwithstanding Sections 6 and 8 of the State Mandates  
6 Act, no reimbursement by the State is required for the  
7 implementation of any mandate created by this Section.

8 (Source: P.A. 95-644, eff. 10-12-07.)".